



# Maryland Department of Budget & Management

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October 22, 2002

Ms. Jenifer Simpson  
Consumer Inquiries & Complaints Division  
Consumer & Governmental Affairs Bureau  
FCC  
445 Twelfth Street, S.W.  
Washington, DC 20554

Reference: FCC No. 02-N82540, Mr. Kelby Brick, Esq.

Dear Ms. Simpson:

Thank you for allowing Maryland Relay to respond to the complaint registered with the FCC by Mr. Kelby Brick, Esq.

Mr. Brick's September 18, 2002 complaint stated:

*"Called relay at approx. 405pm today, via TTY. Got connected, was told that all relay oprs were busy and that I have to hold. I held for more than 35 seconds before a live person finally processed my call.*

*Too long!"*

We are fully aware of the situation and have attempted to address the inequality that TRS users encounter by enforcing stricter standards than is required by the FCC. We addressed this issue in our Re-certification filed on October 1, 2002. See below:

Maryland Re-Certification Section-IV. B.4

*Maryland meets these requirements. Maryland provides 24-hour service every day of the year that is backed up with redundancy of equipment and an uninterruptible power source in the center. Customers do not receive a busy signal due to loop trunk congestion.*

*It is important to note that there is seldom a problem where the customer receives a busy signal; the problem arises after reaching the provider switch and either receiving a continuous ring or waiting on hold for the next available operator due to all operators being busy.*

*Although this requirement strives to ensure that a TRS customer can reach an operator in an equivalent time period to that of a voice user placing a call, other State and FCC minimum requirements render this impossible.*

*Providers schedule operators to meet the FCC's 85/10 requirement or a stronger state ASA requirement. However, because ASA is a Daily Average and not a per call measurement equivalent to direct voice calls, some calls could ring for 10 minutes or longer if the overnight and slow call volumes are answered within a few seconds, thus still keeping the daily average within required limits.*

*If providers scheduled operators to meet an equivalent per call answer time rather than a daily average, the number of operators necessary would make the cost of TRS prohibitive.*

If the FCC has suggestions on how TRS users can have more functionally equivalent answer times, we are, as always, open to dialogue between our office and the FCC.

One additional note, Mr. Brick and Pam Stewart of my office had a productive and mutually informative meeting after our Open House on September 21<sup>st</sup> to discuss this and other issues related to Relay.

Please share this complaint and Maryland Relay's resolution/comments with the appropriate policy personnel at the FCC.

If you have any additional questions, please do not hesitate to call me at 410-767-5891(V/TTY) or 1-800-552-7724 (V/TTY).

Sincerely,

Brenda Kelly-Frey, Director  
MD Relay

Cc: Kelby Brick, Esq.  
Missy Devlin, AT&T  
Pam Stewart, DBM/TAM